

REMARKS

Claims 1-8 were pending, claims 4-8 are withdrawn. Claim 1 has been amended. No new matter is added. Applicants respectfully request reconsideration of the rejections.

Claims 1-3 have been rejected under 35 U.S.C. 101. Applicants have amended Claim 1 in accordance with the Examiner's suggestion, to recite an "isolated and purified" polypeptide. Withdrawal of the rejection is requested.

Claims 1-3 have been rejected under 35 U.S.C. 102(a) as anticipated by the direct submission to Genbank of sequence AF529213. Applicants respectfully submit that the publication date of the Genbank submission was not the date of deposit, but was held confidential until August 1, 2003. Attached herewith is a letter from the Genbank Direct Submission Staff to co-author and inventor Hsu, stating that the sequences would not be released until August 1, 2003. As this date was after the priority date of the present application, the publication is not available as art under 35 U.S.C. 102(a).

In view of the above remarks and attached document, Applicants respectfully submit that the present claims meets the requirements of 35 U.S.C. 102(a). Withdrawal of the rejection is requested.

CONCLUSION

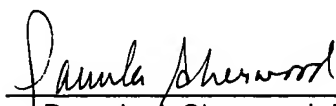
Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

USSN: 10/723,368

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN-284.

Respectfully submitted,

Date: Feb. 18, 2005

By: 
Pamela J. Sherwood, Ph.D.
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

Date: Tue, 16 Jul 2002 17:32:09 -0400 (EDT)
From: gb-admin@ncbi.nlm.nih.gov
Reply-To: gb-admin@ncbi.nlm.nih.gov
To: teddyhsu@Stanford.EDU
Subject: [NCBI_REF 1251533] GenBank AF529212,AF529213
X-Virus-Scanned: by amavisd-milter (<http://amavis.org/>)

Dear GenBank Submitter:

Thank you for your direct submission of sequence data to GenBank. We have provided GenBank accession numbers for your nucleotide sequences:

BankIt477438 AF529212
BankIt477444 AF529213

We strongly recommend that these GenBank accession numbers appear in any publication that reports or discusses these data, as they give the community unique labels with which they may retrieve your data from our on-line servers.

We are now processing your submissions and will mail you copies for your review.

You have requested that your sequences are to be held confidential until:

Aug 1 2003

They will not be released to the public database until that date, or until the data or accession numbers appear in print, whichever is first.

Please send any revisions, including bibliographic information (e.g., conversion from unpublished to published), biological data (e.g., new features), or sequence data as text in the body of an email to:

gb-admin@ncbi.nlm.nih.gov

Since the flatfile record is a display format only and is not an editable format of the data, do not make changes directly to a flatfile. In addition, please do not use bold, highlighted, or colored edits and do not use attached files or spreadsheets for additional or revised data.

You may be interested to know that there are two GenBank submission tools available, BankIt and Sequin. BankIt is available through the World Wide Web (WWW), and Sequin, a stand-alone program, can be

downloaded from NCBI's anonymous ftp site. You can access these
submission tools through the NCBI Home Page
(<http://www.ncbi.nlm.nih.gov/>).

For more information about the submission process or the available
submission tools, please contact GenBank User Support at
info@ncbi.nlm.nih.gov or at (301) 496-2475.

Sincerely,

Michael Fetchko

The GenBank Direct Submission Staff
Bethesda, Maryland USA

(301) 496-2475

(301) 480-2918 fax

gb-admin@ncbi.nlm.nih.gov (for updates/replies to GenBank entries)

info@ncbi.nlm.nih.gov (for general questions regarding GenBank)
